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10 EUROMARKET DESIGNS, INC.
d/b/a CRATE & BARREL
11

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14

15 NANCY DARDARIAN, individually and
on behalf of all others similarly situated,

16 Plaintiffs,

17 v.

18 EUROMARKET DESIGNS, INC. d/b/a
19 CRATE & BARREL, an Illinois
corporation,

20 Defendant.
21
22
23

Case No. 3:11-cv-00945-JSW

CLASS ACTION

**STIPULATION AND ~~PROPOSED~~
ORDER STAYING PROCEEDINGS
PENDING DECISION ON
DEFENDANT'S MOTION TO
TRANSFER CASES PURSUANT TO 28
U.S.C. § 1407 FOR COORDINATED
OR CONSOLIDATED PRETRIAL
PROCEEDINGS**

Complaint Filed: March 1, 2011

1 WHEREAS, on March 1, 2011, Plaintiff Nancy Dardarian ("Plaintiff") filed
 2 her Complaint against Defendant Euromarket Designs, Inc. d/b/a Crate & Barrel ("Crate &
 3 Barrel") in the above-captioned case, *Dardarian v. Crate & Barrel*, Case No. 3:11-cv-
 4 00945-JSW (N.D. Cal.) ("*Dardarian*");

5
 6 WHEREAS, the following five related cases have also been filed against
 7 Crate & Barrel:

- 8
 9 1. *O'Connor v. Crate & Barrel*, Case No. 3:11-cv-02140-SC (N.D. Cal.)
 10 ("*O'Connor*")
 11
- 12 2. *Campbell v. Crate & Barrel*, Case No. 3:11-cv-01368-JSW (N.D. Cal.)
 13 ("*Campbell*")
 14
- 15 3. *Salmonson v. Crate & Barrel*, Case No. 2:11-cv-02446-PSG -PLA (C.D.
 16 Cal.) ("*Salmonson*")
 17
- 18 4. *Heon v. Crate & Barrel*, Case No. 3:11-cv-00769-JLS -BGS (S.D. Cal.)
 19 ("*Heon*")
 20
- 21 5. *Shughrou v. Crate & Barrel*, Case No. 4:11-cv-02325-LB (N.D. Cal.)
 22 ("*Shughrou*");
 23

24 WHEREAS, plaintiffs in all six of these actions purport to represent a class
 25 of California consumers and allege that Crate & Barrel unlawfully requested and recorded
 26 personal identification information from customers who purchased goods using credit
 27 cards at Crate & Barrel's retail establishments;

1 WHEREAS, plaintiffs in all six actions allege that this practice violates
2 California Civil Code § 1747.08 (the "Song-Beverly Credit Card Act" or "Act");

3
4 WHEREAS, all six actions will require a court to resolve nearly identical
5 factual issues relating to a single common defendant, Crate & Barrel;

6
7 WHEREAS, the parties agree that centralization of all six actions for
8 coordinated or consolidated pretrial proceedings is proper under 28 U.S.C. § 1407, because
9 they share common factual questions, and also because centralization would be convenient
10 and would promote the just and efficient conduct of pretrial proceedings;

11
12 WHEREAS, on May 11, 2011, before the United States Judicial Panel on
13 Multidistrict Litigation ("JPML"), Crate & Barrel filed a Motion to Transfer *Heon*,
14 *Dardarian*, *O'Connor*, *Campbell* and *Salmonson* for coordinated or consolidated pretrial
15 proceedings pursuant to 28 U.S.C. § 1407;

16
17 WHEREAS, on May 31, 2011, Crate & Barrel filed a Notice of Tag-Along
18 Action before the JPML seeking to centralize *Shughrou* together with the actions already
19 encompassed by its Motion to Transfer;

20
21 WHEREAS, all six actions are likely to be centralized because they share
22 common factual questions, and also because centralization would be convenient and would
23 promote the just and efficient conduct of pretrial proceedings. *See, e.g., In re Payless*
24 *Shoesource, Inc., California Song-Beverly Credit Card Act Litig.*, 609 F. Supp. 2d 1372
25 (J.P.M.L. 2009) (centralizing two putative class actions alleging identical violations of the
26 Song-Beverly Credit Card Act).

1 WHEREAS, conducting pretrial proceedings while Crate & Barrel's Motion
 2 to Transfer is pending would impose an undue burden on the parties and the Court if the
 3 JPML ultimately grants Crate & Barrel's Motion to Transfer, because any pretrial
 4 proceedings conducted now would likely be wasted or need to be repeated;

5
 6 WHEREAS, neither party will suffer any prejudice, hardship or inequity if
 7 these proceedings are stayed pending the JPML's decision on Crate & Barrel's Motion to
 8 Transfer;

9
 10 WHEREAS, the Court has the inherent power to stay all proceedings
 11 pending the JPML's decision on Crate & Barrel's Motion to Transfer;

12
 13 WHEREAS, staying all proceedings pending the JPML's decision on Crate
 14 & Barrel's Motion to Transfer would serve the interests of judicial economy and
 15 efficiency, for all the reasons discussed above;

16
 17 WHEREAS, courts routinely stay all proceedings pending the JPML's
 18 determination of a motion to transfer based on the likelihood of transfer, the absence of
 19 prejudice, and the interests of judicial economy and efficiency. *See, e.g., Clark v. Payless*
 20 *Shoesource, Inc.*, Case No. 08-CV-08213 (C.D. Cal. Order filed Dec. 29, 2008) (entering
 21 stipulated order staying all proceedings in a putative class action alleging violations of the
 22 Song-Beverly Credit Card Act); *Oregon ex rel. Kroger v. Johnson & Johnson*, Case No.
 23 11-CV-86-AC, 2001 U.S. Dist. LEXIS 39187 (D. Or., Apr. 8, 2011) (granting motion to
 24 stay pending JPML decision on motion to transfer); *Barnes v. Equinox Group, Inc.*, Case
 25 No. C 10-03586, 2010 U.S. Dist. LEXIS 138863 (N.D. Cal., Dec. 30, 2010) (same);
 26 *Cottle-Banks v. Cox Communications, Inc.*, Case No. 10-cv-2133, 2010 U.S. Dist. LEXIS
 27 138195 (S.D. Cal., Dec. 30, 2010) (same); *Gordillo v. Bank of Am.*, Case No. 1:09-cv-
 28 01954, 2010 U.S. Dist. LEXIS 7954 (E.D. Cal., Jan. 13, 2010) (same); *Sanborn v.*

1 *Asbestos Corp., Ltd.*, Case No. C 08-5260, 2009 U.S. Dist. LEXIS 7528 (N.D. Cal., Jan.
 2 27, 2009) (same); *Lyman v. Asbestos Defendants (B*P)*, Case No. C 07-4240, 2007 U.S.
 3 Dist. LEXIS 78766 (N.D. Cal., Oct. 10, 2007) (same); *Nielsen v. Merck and Co.*, Case No.
 4 C 07-00076, 2007 U.S. Dist. LEXIS 21250 (N.D. Cal., Mar. 15, 2007) (same); *Collum v.*
 5 *Astrazenca Pharm., L.P.*, Case No. C 06-0662, 2006 U.S. Dist. LEXIS 64861 (N.D. Cal.,
 6 Aug. 29, 2006) (same); *Rivers v. The Walt Disney Co.*, 980 F. Supp. 1358, 1362 (C.D. Cal.
 7 1997) (granting motion to stay pending JPML decision on motion to transfer, holding:
 8 "[I]t appears that a majority of courts have concluded that it is often appropriate to stay
 9 preliminary pretrial proceedings while a motion to transfer and consolidate is pending with
 10 the MDL Panel because of the judicial resources that are conserved.");

11
 12 NOW THEREFORE, it is stipulated by the undersigned counsel on behalf of
 13 the parties below, and subject to the Court's approval, that:

14
 15 All proceedings in this action are stayed pending the JPML's decision on
 16 Crate & Barrel's Motion to Transfer Cases for Consolidated or Coordinated Pretrial
 17 Proceedings (MDL No. 2260).

18
 19 **IT IS SO STIPULATED.**

20
 21 Dated: June 1, 2011

22 HOFFMAN & LAZEAR

23
 24 By s/ Chad A. Saunders

25 H. TIM HOFFMAN
 26 ARTHUR W. LAZEAR
 27 CHAD A. SAUNDERS

28 Attorneys for Plaintiff
 NANCY DARDARIAN

1 Dated: June 1, 2011

2 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

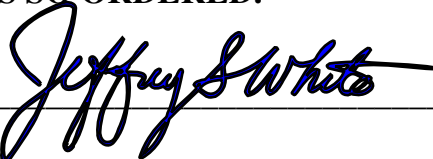
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4 By s/ Elizabeth S. Berman

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9 Attorneys for Defendant
10 EUROMARKET DESIGNS, INC.
11 d/b/a CRATE & BARREL

12
13 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

14 Dated: June 2, 2011

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17 Jeffrey S. White
18 United States District Judge
19 Northern District of California
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